

SPEECH OF

HON. S. P. BROOKS, OF SOUTH CAROLINA,
ON RESIGNING HIS SEAT IN CONGRESS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 14, 1856.

Mr. BROOKS said :

Mr. SPEAKER: Until this moment I have felt that there was a propriety in my remaining silent, and in trusting my defence to friends who are abler and more learned than myself. I have heretofore felt that other and higher interests than any which affect me personally were involved in the proceedings of this case. The interests of my constituents, of this House, and of all, indeed, who are concerned in the constitution itself, in my view, have been intimately and inseparably complicated.

[Here Mr. Brooks was interrupted by Mr. GIDDINGS, &c.]

Sir, I am indebted to the House for even this much courtesy. I was about remarking that there were higher interests than my own involved in this matter. I have been content, therefore, to meet personally and in silence all the consequences of these proceedings.

Some time since a senator from Massachusetts allowed himself, in an elaborately prepared speech, to offer a gross insult to my State and to a venerable friend, who is my State representative, and who was absent at the time.

Not content with that, he published to the world, and circulated extensively, this un-called-for libel on my State and my blood. Whatever insults my State insults me. Her history and character has commanded my pious veneration, and in her defence I hope I shall always be prepared humbly and modestly, to perform the duty of a son. I should have forfeited my own self-respect, and perhaps, the good opinion of my countrymen, if I had failed to resent such an injury, by calling the offender in question to a personal account. It was a personal affair, and in taking redress into my own hands, I meant no disrespect to the Senate of the United States, or to this House. Nor, sir, did I design insult or disrespect to the State of Massachusetts. I was aware of the personal responsibilities I incurred, and was willing to meet them. I knew, too, that I was amenable to the laws of the country, which afford the same protection to all, whether they be members of Congress or private citizens. I did not, and do not now, believe that I could be properly punished, not only in a court of law, but here also, at the pleasure and discretion of the House. I did not then, and do not now, believe that the spirit of American freemen would tolerate slander in high places, and permit a member of Congress to publish and circulate a libel on another, and then call upon either house to protect him against the personal responsibilities which he had thus incurred.

But if I had committed a breach of privilege, it was the privilege of the Senate, and not of this House, which was violated. I was answerable

there, and not here. They had no right, as it seems to me, to prosecute me in these halls, nor have you the right in law or under the constitution, as I respectfully submit, to take jurisdiction over offences committed against them. The constitution does not justify them in making such a request, nor this House in granting it. If, unhappily, the day should ever come when sectional or party feeling should run so high as to control all other considerations of public duty or justice, how easy will it be to use such precedents for the excuse of arbitrary power in either house, to expel members of the minority who may have rendered themselves obnoxious to the prevailing spirit in the house to which they belong.

Matters may go smoothly enough when one house asks the other to punish a member who is offensive to a majority of its own body, but how will it be when, upon a pretence of insulted dignity, demands are made of this House to expel a member who happens to run counter to its party predilections, or other demands which it may not be so agreeable to grant? It could never have been designed by the constitution of the United States to expose the two houses to such temptations to collision, or to extend so far the discretionary power which was given to either house to punish its own members for the violation of its rules and orders. Discretion has been said to be the law of the tyrant, and when exercised under the color of the law and under the influence of party dictation, it may and will become a terrible and insufferable despotism.

This House, however, it would seem, from the unmistakable tendency of its proceedings, takes a different view from that which I deliberately entertain in common with many others.

So far as public interests or constitutional rights are involved, I have now exhausted my means of defence. I may, then, be allowed to take a more personal view of the question at issue. The further prosecution of this subject in the shape it has now assumed may not only involve my friends, but the House itself in agitations which might be unhappy in their consequences to the country. If these consequences could be confined to myself individually, I think I am prepared and ready to meet them, here or elsewhere; and when I use this language, I mean what I say. But others must not suffer for me. I have felt more on account of my two friends who have been implicated than for myself, for they have proven that "there is a friend that sticketh closer than a brother." I will not constrain gentlemen to assume a responsibility on my account which possibly they would not on their own.

Sir, I cannot, on my own account, assume the responsibility, in the face of the American people, of commencing a line of conduct which in my heart of hearts I believe would result in subverting the foundations of this government, and in drenching this hall in blood. No act

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of mine, and on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home and hear the people of the great North—and they are a great people—speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution—and this I know. [Applause and hisses in the gallery.]

The SPEAKER announced that if any such demonstrations were repeated, the galleries should be cleared.

Mr. BROOKS, (turning to the gentlemen's gallery,) if I have any friends in the gallery, I appeal to them to be quiet.

At the same time, Mr. Speaker, I am not willing to see the constitution wounded through me; nor will I submit voluntarily to a wrong if I can avoid it. I will not voluntarily give my name to countenance parliamentary misrule or constitutional aggression. If I am to be tried again for the matter now before us, I will choose my own tribunal. I will appeal from this House to my own constituents. If an expression of public opinion is to be invoked in my case, let my constituents and my fellow-citizens pronounce upon it. From that verdict I will not appeal. The temper of the times is not favorable for a calm and dispassionate judgment of the case; and if, by any act of mine, I can save the majority of this House from the consequences of a rash decision, the time may come when the good men who are pursuing me—and I believe there are such in the opposition—will admit that I deserve their thanks for the deed. The axe that is uplifted to strike me may fall upon others, and fall upon them after they have parted with the shield of the constitution to protect them.

For myself I have only to say that if I cannot preserve my self-respect and constitutional rights, together with a seat in this body, I must renounce the last rather than the former.

I have no desire, sir, to continue an argument which my friends have exhausted. The determination of the majority is fixed, and it is in vain to resist it. I will make no appeal to a *packed jury*, but I protest against its inconsistencies and its usurpations. During this session the charge was openly made by a member from the State of Pennsylvania, on this floor, that another, [Mr. PEARCE,] who is his colleague, had been guilty of an attempt to bribe, and no proceedings were instituted in the case. Do the majority of this House propose to instruct the American people, from their high position, that bribery is excusable, and simple assault and battery a crime? That is the lesson, and you are the teachers. At the first session of the last Congress a member leaped from his seat, and, while the Speaker was in his chair, he passed over several tables towards his antagonist, who drew a weapon in defence, and neither gentleman was subjected to the censure of this House. As was appropriately remarked by my friend from North Carolina, [Mr. CLINGMAN,] the assaulting member—and it is not for me to say a word against him, for personally I like him—has now the most lucrative office in the gift of this House, and was elected by the unanimous vote of the very men who are now conspiring to inflict punishment upon me.

And in whose behalf is this extraordinary stretch of constitutional power invoked? Sir, I do not intend to violate any rule of this House, or of parliamentary courtesy, but it cannot be denied that he is, *par excellence*, the representative of a sovereignty which is at this instant in open, sta-

tutory rebellion—not to a simple rule of a single house, but to the constitution and laws of the United States of America. Massachusetts sits in judgment on me without a hearing, and presents me for a breach of privilege! Sir, is it not strange that it did not occur to that sage legislature that its demands upon the Congress of the United States, relative to a member, was a greater breach of privilege in them than that complained of in the member himself? What right, sir, has the legislature of Massachusetts to make any demand upon this House? She has not the right of even instructing the most insignificant member from the State, and has by her resolutions but given additional proof that she neither comprehends the theory of our government nor is loyal to its authority.

I have said, sir, that if I have committed a breach of privilege, it was the privilege of the Senate. If I have in any particular, violated the privileges or proprieties of this House, I am unconscious of it, and I challenge every member to specify a single disorderly or improper act. In my intercourse with its members I have endeavored to observe a civil and respectful deportment, I have rendered prompt and implicit obedience to its constituted authorities, and I can truly say that which many who have recorded their votes against me cannot—and that is, that never once, in the three years that I have held a seat on this floor, have I been declared out of order. If before the transaction for which a majority have declared me to be deserving of expulsion, I have offended any officer or member, or been unkind even to an employee, I regret and am ignorant of it.

And yet, sir, the vote which has just been taken transmits me to posterity as a man unworthy, in the judgment of a majority of my peers, of a seat in this hall. And for what? The member from New Jersey, (Mr. PENNINGTON)—the prosecuting member—the thumb-paper member—[laughter]—the Falstaffian member, who, like his prototype, was born about four o'clock in the morning, and if he has not the bald head, is graced with the corporal rotundity [great laughter] of his predecessor upon his advent into this subliminary world—he says it was for making a “murderous” assault with a “bludgeon;” and he, forsooth, would have this House and the country believe, with an intent to kill. Now, sir, I see that a very respectable and excellent gentleman from Massachusetts has in his hand a cane of the ordinary size for a gentleman of his age, and I beg him to raise it for the inspection of the member from New Jersey. [Mr. DE WITT elevated his cane.] Now, sir, I ask that member to answer as a gentleman—I beg his pardon, that is a word which he cannot comprehend—but as man on the witness stand, is not that cane double the weight and thickness of the one used by me, and which you have impudently and falsely called a “bludgeon?”

Mr. TRAFTON, (interrupting.) I have noticed several interruptions in the galleries during this discussion, and I wish to move that the Sergeant-at-Arms be directed to clear the galleries. [Hisses in the galleries.]

Mr. WHEELER. I object.

The SPEAKER. The motion is not in order. The Chair announced some time since, that if there was any further disturbance, the Sergeant-at-Arms would have orders to clear the galleries.

Mr. BROOKS. I again appeal to my friends in the galleries to be quiet.

The SPEAKER. Order must be preserved.

Mr. BROOKS, (resuming.) If I desired to kill the senator, why did not I do it? You all admit that I had him in my power. Let me tell the member from New Jersey that it was expressly to avoid taking life that I used an or-

inary cane, presented to me by a friend in Baltimore near three months before its application to the "bare head, and shoulders, and back, and elsewhere," of the Massachusetts senator. I went to work very deliberately, as I am charged—and this is admitted, and speculated somewhat as to whether I should employ a horse-whip or a cow-hide; but knowing that the senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt any thing I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.

The question has been asked in certain newspapers why did I not invite the senator to personal combat in the mode usually adopted. Well, sir, as I desire the whole truth to be known about the matter, I will for once notice a newspaper article on the floor of the House, and answer here

My answer is, that I knew that the senator would not accept a message; and having formed the unalterable determination to punish him I believed that the offence of "sending a hostile message," superadded to the indictment for assault and battery, would subject me to legal penalties more severe than would be imposed for a simple assault and battery.

That is my answer.

For this act, which the Senate, with the solitary exception of a distinguished gentleman from Georgia, [Mr. TOOMBS,] have pronounced me guilty of a breach of its privileges—for this act I am complained of by that body to this House. Your committee have declared, and this House has now concurred in the opinion, that my offence is to the Senate, and that no rule or order of this body have I violated.

Now, sir, let me ask why the Senate did not protect its own rights? The argument has been made here that *ex necessitate* this House must have power to protect itself. If that principle be true in its application here, why has not the Senate the same powers of protection? But what right has this House to punish me for offences committed out of its presence? Again, sir, I challenge comparison with any member, aged or young, pious or not, as to the propriety of my demeanor as a gentleman and a member. They tell me that my responsibility to the house is because of the general responsibility which attaches to every member. How far does your authority extend? Across the Potomac? To my home? Why, sir, if I go to my home and find that one of my slaves has behaved badly in my absence, and I direct him to be flogged, I may be charged with—to use the language which is familiar here—"crime the blackest and most heinous;" and when I come back—and come back I will—may be punished myself for inflicting a chastisement which, by the common law and the constitutional laws of my country, I have the right to inflict upon my slave, who is my property. Where do you stop in this question of authority of the House over its members? As we understand it, there is sense in this authority controlling a member while the House is in session and restraining him from disturbing or embarrassing its proceedings. If the government was constitutionally administered, every citizen would have a direct interest in this much. But if your authority goes into the Senate chamber, and even when the Senate is not in session, why should

it not go into the ante-rooms and down the steps of the Capitol? Why not pursue me into the avenue—into the steamboat—to my plantation? I take the gentlemen who have labored for my expulsion on their own declaration. They are committed to it, and they cannot now evade it. They say that my responsibility is not because of any offence committed in the presence of or to this House, but because of the general and necessary authority which the House has over its members. Now, it seems to me that, if my responsibility to this House for an offence committed elsewhere is because of my membership, it is a logical conclusion that my responsibility ceases when that relation is dissolved. Whether or not the authority of the Senate reaches me after my relations to this House have terminated, it is not for me now to inquire; but, in justice to myself, I take occasion to say to the country, that if the Senate take that view, I shall recognize its authority. Now, sir, let me inform the honorable members who have been pursuing me so fiercely, that my present attitude was long since foreseen, and that I am altogether prepared for any of its emergencies. I knew with whom I had to deal, and my resignation has been for more than ten days in the hand of the governor of South Carolina, to take effect the very instant that I announce my resignation upon this floor. But, before I make the announcement, I desire to say a word or two in reference to what has been said of me in debate and elsewhere. I saw in some of the New York papers that a certain feminine gentleman from that State [Mr. MORGAN] has applied to me the term "villain." Well, that was not a word "spoken in debate," and I only allude to it to advertise the indignant gentleman that I have seen the word and know that it was spoken in New York, and not here in debate. He need not be much alarmed; and, if he will "hold still" when I get hold of him, I'll not hurt him much; and this is all that I care to say about that matter here.

Your amiable colleague, [Mr. KNAPP,] who was presented by his constituents with a revolver, intended for my particular benefit, yesterday declared that Massachusetts would "take her own time and place" to resent what he and she both pronounced to be an insult and injury. I do not intend, Mr. Speaker, to utter an offensive, unkind, or even a rough word to that gentleman—for he is a gentleman, socially, I know—but I wish to say this to him, that I will never plead the statute of limitations in bar of the wrath of Massachusetts.

On yesterday, however, we had a violent demonstration from the gentleman from Connecticut, [Mr. WOODRUFF,] who is now near me, and who, with historical accuracy, (?) has asserted that the bones of Connecticut revolutionary soldiers now lie in the valleys of the sunny South. That member, with a show of manhood which elicited my admiration, in his written remarks, used the following language:

"Will not this hall, with too much reason, continue to be characterized as a 'chamber of assassins,' if we do not now unite to rebuke and emphatically condemn this monstrous violation of all honor and decency?—The country demands action, and the times are hot for some expiation of dastardly and brutal outrages, whether committed in the Capitol or on the plains of Kansas. "If there is not spirit or manliness enough here to promptly purge this body by proper and constitutional means, at all events let a trial be made; let the vote come. We shall then know who dare screen audacity or give countenance to crime."

Again :

"I court no disturbance; but the privileges of this

House, shall not, so far as I am concerned, be infringed. With an endeavor and design always to cultivate courtesy, I shall not hesitate here in my place, or elsewhere, to freely characterize as they deserve any lofty assumptions of arrogance, or any mean achievements of cowardice."

And again :

"I say again, let the vote come; and if honorable gentlemen cannot wholly rid themselves of an unwelcome presence, they can at least show their appreciation of an action wanting few of the elements of the most audacious crime, and of a spirit equal to deeds that I will not name."

His conclusion is grandiloquent. It is as follows :

"And let me tell you, Mr. Speaker, that the *spirit of true courage in Connecticut still lives.*"

Well, sir, I confess to you that all other considerations escaped me when I heard the expression of so much manhood. He went through the motions well, and when he had finished, I could not resist an expression of admiration of a spirit with which we have not recently been familiar, and I involuntarily arose from my seat and made him a profound bow.

I thought, sir, that a gentleman who could utter such sentiments so handsomely was a foeman worthy of any body's steel, and I determined in a very quiet way to treat him as a gentleman, for he spoke like a man. The very first friend who chanced to come by me after the gentleman had concluded was my friend from Tennessee, [Mr. SAVAGE,] about whom I happened to know something in Mexico. He was the very man I wanted; and I asked him to present my compliments to the gentleman from Connecticut, and say a word quietly in his ear in my behalf. My friend did so, and here is a letter giving a report of the interview :

WASHINGTON CITY, July 11, 1856.

DEAR SIR: I make a brief statement of the main facts connected with my call on the Hon. Mr. Woodruff, of Connecticut, who spoke to-day in the House of Representatives.

A few moments after Mr. Woodruff concluded his speech you requested me to bear him a message. I immediately went round to that part of the House where he sat, just inside the bar. I told him I wanted to speak with him, and we had better walk to the window, which we did. I then said in substance, "Colonel Brooks and his friends, myself among the number, understood you in your speech to hold yourself out as a fighting man, subject to the law of honor; and I am requested to present you Col. Brooks's compliments, and inquire whether you are willing to receive a communication from him under the rules of that code." He replied that he did not intend to be so understood; he did not intend to hold himself out as a fighting man, and if there was anything in his speech that would bear that construction, he, like Col. Bingham, would be ready to explain. I then told him that I considered that this declaration on his part ended my mission on the part of Col. Brooks; but I would advise him to look over his speech before publication; that I thought if he would examine it carefully he would find points and sentences that would indicate to a man of honor and sensibility that he did intend to hold himself out as a fighting man, subject to the code of honor. He replied that he would do so, and this ended the interview. I was fully satisfied, as your friend, believing you to be as generous as brave, that it could not be your duty or inclination to press the matter further.

I am, respectfully, your friend and obedient servant.
JOHN H. SAVAGE.

HON. PRESTON S. BROOKS.

Now, sir, I have to say to that member as Uncle Toby (of Tristran Shandy memory) said to the fly: "Go, little wretch, there is room enough in this world for you and me." [Immoderate laughter.] Another quotation has just come to me, and I will give him also the benefit of that :

"You can hurt no man's fame by your ill word: Your pen is just as harmless as your sword."

I now desire the attention of my *quondam* friend from Massachusetts, [Mr. COMINS.] He alluded in the opening of his speech to our past personal and family relations. I have to say to him that my attachments do not set so loosely upon me as to be cast off unnecessarily, and that I yet take deep interest in the welfare of his excellent family. Had our relative positions been reversed, I should have said nothing, or I should have done more than he has done.

From his place in this House—in his representative character, and at the time armed to the teeth, and not with a rifle hypocritically and cowardly disguised as a walking cane, and carried in the hand of a poltroon and puppy, but with the genuine articles—he quoted the language and endorsed the sentiment of the Chevalier Webb, of poor Jonathan Cilley notoriety, as follows :

"Looking at it solely as an insult to the country, a trampling upon the constitution, and an outrage upon the sanctity of the Senate chamber, it was an outrage which merited death on the spot from any patriot present who was in a position to inflict the punishment."

Now, sir, I say to that gentleman that no man has the right to wear arms who does not intend to use them. In my country the cock that crows and won't fight is despised by the hens, and even by the pullets, who know a thing or two instinctively. [Great laughter.] His chivalric spurs dwindle before the charge of the valorous gout, and his place is—out of sight. I feel, sir, that "the blood more stirs to hunt the lion than to chase the hare;" but it my *quondam* friend has any ambition, under the direction of the Chevalier Webb, to play the "patriot," let him or *le preux chevalier*, separately or together, or backed by the whole black-republican crew, come take the life which they say is forfeited.

Now, Mr. Speaker, I have nearly finished what I intended to say. If my opponents, who have pursued me with unparalleled bitterness, are satisfied with the present condition of this affair, I am. I return my thanks to my friends, and especially to those who are from the non-slave-owning States, who have magnanimously sustained me, and felt that it was a higher honor to themselves to be just in their judgment of a gentleman than to be a member of Congress for life. In taking my leave, I feel that it is proper that I should say that I believe some of the votes which have been cast against me have been extorted by an outside pressure at home, and that their votes do not express the feelings of the opinions of the members who gave them.

To such of these as have given their votes and made their speeches on the constitutional principles involved, and without indulging in personal vilification, I owe my respect. But, sir, they have written me down upon the history of the country as worthy of expulsion, and in no unkindness I must tell them that for all future time my self-respect requires that I shall pass them as strangers.

And now, Mr. Speaker, I announce to you and to this House, that I am no longer a member of the Thirty-fourth Congress.

[Mr. Brooks then walked out of the House of Representatives, and was soon surrounded by his friends.]

APPENDIX.

The imprudence of evil-disposed persons, who, by newspaper articles and in private conversations, have done justice both to the Hon. Mr. BURLINGAME and myself, renders it necessary that the subjoined memoranda should be appended to my speech :

Mr. BURLINGAME, in a fair and manly way, admitted his responsibility for any language used in his speech, and disclaimed any intention to reflect upon the personal character of Mr. BROOKS, or to impute to him in any respect a want of courage; but, discriminating between the man and the act to which he was called upon to allude, he had characterized the latter only in such manner as his representative duty required him to do.

The above is a statement made by Mr. BURLINGAME in reference to the passage in his late speech which referred to Mr. BROOKS. It is in the handwriting of Mr. Speaker BANES, and was acknowledged by Mr. BURLINGAME in my presence, and was satisfactory to us as friends of Mr. BROOKS.

JULY 15, 1856.

W. W. BOYCE,
TH. S. BOCOCK.